

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, N.Y. 10007

MICHAEL A. CARDOZO
Corporation Counsel

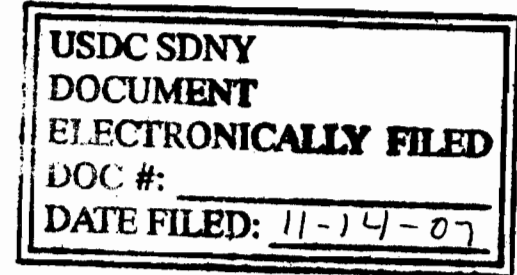
MEGHAN A. CAVALIERI
Assistant Corporation Counsel
Tel.: (212) 788-6405
Fax: (212) 788-9776

MEMO ENDORSED

November 13, 2007

BY HAND

Honorable Leonard B. Sand
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Blake, Tyasia v. City of New York, et al., 07 CV 9460 (LBS)(FM)

Dear Judge Sand:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendants The City of New York (hereinafter referred to as "City") and Commissioner Raymond W. Kelly (hereinafter referred to as "Kelly"). I am writing with the consent of plaintiff's counsel, Michael Hueston, Esq., to respectfully request a sixty (60) day enlargement of time from November 13, 2007, until January 14, 2008, within which this office may answer or otherwise respond to the complaint. This is the first request made by this office for an enlargement of time in this action.

The complaint alleges, inter alia, that plaintiff Tyasia Blake was falsely arrested/imprisoned and was subjected to strip a search, excessive force and malicious prosecution. In addition to the City of New York and Raymond Kelly, plaintiff also purports to name Police Officer Niguel Vega as a defendant. Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. The enlargement of time will afford us the opportunity to investigate the matter.

Moreover, the enlargement will allow us to ascertain whether the individually named defendant has been served.¹ If service has been properly effectuated then, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendant. The named

¹ Although this office does not currently represent Officer Vega, and assuming he was properly served, this office also respectfully requests this extension on his behalf in order to prevent his defenses from being jeopardized while representational issues are being resolved.

MEMO ENDORSED

defendant must then decide whether he/she wishes to be represented by this office. If so, we must obtain his/her written authorization. Only after this procedure has been followed can we determine how to proceed in this case. See *Mercurio v. The City of New York et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. The City of New York et al.*, 64 N.Y.2d 800, 486 N.Y.S. 2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's and Kelly's time to answer or otherwise respond to the complaint until January 14, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,



Meghan A. Cavalieri (MC 6758)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: VIA FACSIMILE
Michael Hueston, Attorney at Law
Attorney for Plaintiff
350 Fifth Avenue
Empire State Building
Suite 4810
New York, NY 10118
(212) 643-2900
Fax: (212) 643-2901

*Extension granted
as requested
to address
[Signature]
11/14/07*

MEMO ENDORSED